

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUWAYNE CAREY,)	
)	Civil Action No. 06 - 1578
Plaintiff,)	
)	Judge Terrence F. McVerry /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT BARRY JOHNSON;)	
SUSAN MYERS, <i>CHCH</i> ; MATTHEW)	
MORROW, <i>EMPLOYMENT COORDINATOR</i> ;)	
MARK HAMMER, <i>P.A.</i> ; DR. JAMIL AHMED;)	
and DR. DURRE AHMED,)	
)	
Defendants.)	

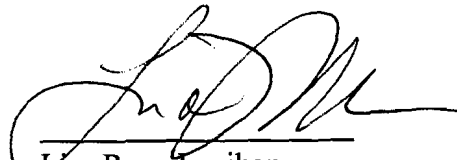
ORDER

Plaintiff, Duwayne Carey, a prisoner at S.C.I. Pine Grove, has submitted a Motion to Amend his complaint to add claims for retaliatory transfer. Doc. No. 65. As no responsive pleading has been filed to the Complaint Plaintiff may amend without leave of court. Plaintiff is cautioned, however, that this amended complaint must be filed prior to the date ordered for Defendants to respond, December 27, 2006, and any new claims are subject to the mandatory exhaustion requirement which Congress enacted in the Prison Litigation Reform Act (PLRA), Pub. L. No. 104-134, 110 Stat. 1321 (1996).

IT IS ORDERED, this 13th day of December, 2006, that the Motion to Amend is DENIED as moot.

IT IS FURTHER ORDERED that, should Plaintiff timely file his Amended Complaint, the Defendant(s) time for filing a responsive pleading shall be extended from December 27, 2006 to thirty days after the Plaintiff has filed his Amended Complaint.

AND IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.



Lisa Pupo Lenihan
U.S. Magistrate Judge

cc: Duwayne Carey
FK-1088
S.C.I. Pine Grove
191 Fyock Road
Indiana, PA 15701

Counsel of Record